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Security Council

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Letter dated 29 December 2011 from the Chair of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, containing an account of the Committee's activities from 1 January to 31 December 2011 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Maria Luiza Ribeiro **Viotti**
Chair
Security Council Committee established pursuant to
resolution 1572 (2004) concerning Côte d'Ivoire

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Annex

Report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire covers the period from 1 January to 31 December 2011.

2. For 2011, the Bureau consisted of Maria Luiza Ribeiro Viotti (Brazil) as Chair, and the delegations of Germany and South Africa as Vice-Chairs (see S/2011/2).

II. Background

3. The Security Council, by its resolution 1572 (2004) of 15 November 2004, imposed an arms embargo, with immediate effect, as well as travel restrictions and an assets freeze on designated individuals and entities, to take effect on 15 December 2004.

4. By paragraph 14 of resolution 1572 (2004), the Security Council established a Sanctions Committee: (a) to designate and make public a list of individuals and entities subject to the targeted measures; (b) to seek information from States and entities on their implementation of the measures; (c) to consider and decide upon requests for exemptions to the arms embargo and other targeted measures; (d) to promulgate guidelines for the conduct of the Committee's work; and (e) to report to the Council regularly on its work, with recommendations and observations on ways to strengthen the effectiveness of the measures.

5. By its resolution 1584 (2005), the Security Council authorized the United Nations Operation in Côte d'Ivoire (UNOCI) and the supporting French forces to monitor the arms embargo imposed by the Council in resolution 1572 (2004), which required all States to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire of arms or any related materiel as well as the provision of any assistance, advice or training related to military activities.

6. By its resolution 1584 (2005), the Security Council also requested the Secretary-General, in consultation with the Committee, to create a group of experts to, inter alia, examine and analyse the information gathered by UNOCI and the French forces in the context of their respective monitoring mandates; gather and analyse all relevant information in Côte d'Ivoire, countries of the region and, as necessary, in other countries, on violations of the arms embargo; and consider and recommend ways of improving the capabilities of States, in particular those in the region, to ensure the effective implementation of the measures imposed. On 23 September 2005, the Group of Experts submitted its report (see S/2005/699) to the Committee, and on 18 October 2005, by its resolution 1632 (2005), the Council extended the Group's mandate until 15 December 2005, pursuant to which, on 29 November 2005, the Group submitted its update report (see S/2006/204) to the Committee.

7. By its resolution 1643 (2005), the Security Council renewed the arms embargo, as well as the travel ban and the assets freeze imposed, respectively, by paragraphs 9 and 11 of resolution 1572 (2004). By paragraph 6 of resolution 1643 (2005), the Council imposed an embargo on the import of all rough diamonds from Côte d'Ivoire. By paragraph 9 of the same resolution, the Council requested the Secretary-General to establish an expanded Group of Experts for six months with the additional task of monitoring the embargo on diamonds. The Group of Experts submitted its report to the Committee on 16 August 2006 (see S/2006/735).

8. By paragraph 4 of resolution 1643 (2005), the Security Council decided that any obstacle to the freedom of movement of UNOCI and the French forces, or any attack or obstruction to the action of UNOCI, the French forces, the High Representative for the elections or the International Working Group, constituted a threat to the pe ce and national reconciliation process for the purposes of the measures imposed by the Council in paragraphs 9 and 11 of resolution 1572 (2004).

9. On 14 September 2006, by its resolution 1708 (2006), the Security Council extended the mandate of the Group of Experts until 15 December 2006 and requested that the Group submit a brief written update to the Council through the Committee before 1 December 2006 on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraphs 4 and 6 of resolution 1643 (2005), with recommendations in that regard. The Group of Experts submitted its update report to the Committee on 27 November 2006 (see S/2006/964).

10. On 15 December 2006, by its resolution 1727 (2006), the Security Council renewed until 31 October 2007 the arms embargo, travel and financial sanctions as well as the embargo on the import of all rough diamonds originating in Côte d'Ivoire. By paragraph 7 of the same resolution, the Council decided to extend the mandate of the Group of Experts for a further six months. The Group was requested to report to the Security Council in writing, through the Committee, before 15 June 2007, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). The Group of Experts submitted its report to the Committee on 11 June 2007 (see S/2007/349).

11. On 20 June 2007, by its resolution 1761 (2007), the Security Council decided to extend the mandate of the Group of Experts, as set out in resolution 1727 (2006), until 31 October 2007. By paragraph 2 of the same resolution, the Council requested the Group of Experts to submit a written update to the Council, through the Committee, before 15 October 2007, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraphs 4 and 6 of resolution 1643 (2005). The Group of Experts submitted its report to the Committee on 21 September 2007 (see S/2007/611).

12. On 29 October 2007, by its resolution 1782 (2007), the Security Council renewed until 31 October 2008 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 8 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2008. The Council requested the Group of Experts to provide a midterm report to the Committee by 15 April 2008 and to submit a final written report to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution

1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard. The Group of Experts submitted its midterm report to the Committee on 20 March 2008 (see S/2008/235) and its final report on 15 September 2008 (see S/2008/598).

13. On 29 October 2008, by its resolution 1842 (2008), the Security Council renewed until 31 October 2009 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2009. The Council requested the Group to provide a midterm report to the Committee by 15 April 2009 and to submit a final written report to the Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard. The Group of Experts submitted its midterm report to the Committee on 20 March 2009 (see S/2009/188) and its final report on 15 September 2009 (see S/2009/521).

14. On 29 October 2009, by its resolution 1893 (2009), the Security Council renewed until 31 October 2010 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 10 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2010. The Council requested the Group to provide a midterm report to the Committee by 15 April 2010 and to submit a final written report to the Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard.

15. On 15 October 2010, by its resolution 1946 (2010), the Security Council renewed until 30 April 2011 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005). By paragraph 9 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 30 April 2011. The Council requested the Group to provide a report to the Committee by 15 April 2011 on the implementation of the measures imposed by paragraphs 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in that regard.

16. On 28 April 2011, by its resolution 1980 (2011), the Security Council renewed until 30 April 2012 the measures contained in paragraphs 7 to 12 of resolution 1572 (2004), paragraph 5 of resolution 1946 (2010), paragraph 12 of resolution 1975 (2011) and paragraph 6 of resolution 1643 (2005). By paragraph 13 of the same resolution, the Council decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 30 April 2012. The Council requested the Group to submit to the Committee a midterm report by 15 October 2011 and a final report as well as recommendations to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and paragraph 12 of resolution 1975 (2011).

III. Summary of the activities of the Committee

17. In the course of 2011, the Committee held three informal consultations (28 February, 15 April and 14 October).

18. On 28 February 2011, the Committee considered a possible violation of the arms embargo, which had been urgently brought to the attention of the Committee by the Group of Experts through its reports of 26 and 28 February 2011. During the consultations, members of the Committee spoke via teleconference with the Coordinator of the Group of Experts, and in this connection, a letter dated 28 February 2011 from the Chargé d'affaires a.i. of the Permanent Mission of Belarus to the United Nations was circulated during the meeting.

19. On 15 April 2011, the Group of Experts presented its report (see S/2011/272) pursuant to resolution 1946 (2010) to the members of the Committee. At the same meeting, Committee members also discussed the observations and recommendations contained in the report. During the consultations of the Security Council on 19 April 2011, the Chair briefed the members of the Council on the main findings contained in the report as well as the Committee's discussions of the Group's report and its recommendations.

20. Following up on the recommendations contained in the report, the Committee dispatched, on 10 May 2011, letters to the Permanent Representatives to the United Nations of Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Liberia and Mali, drawing attention to relevant paragraphs contained in the Group's report. Letters were also transmitted to the Chair of the Kimberley Process and the Special Representative of the International Criminal Police Organization (INTERPOL) to the United Nations, as well as to the Under-Secretary-General for Peacekeeping Operations. Furthermore, on 11 May 2011 the Committee transmitted a note verbale to all Member States drawing their attention to relevant paragraphs contained in the Group's report. On 15 July 2011, the Committee received a reply to its letter addressed to the Under-Secretary-General for Peacekeeping Operations.

21. On 24 May 2011, the Committee received a report from the Coordinator of the Group of Experts extended pursuant to resolution 1946 (2010), which described inspections of weapons conducted in Côte d'Ivoire from 27 to 29 April 2011 by the Group at the invitation of UNOCI and the Department of Peacekeeping Operations.

22. On 14 October 2011, the Group of Experts presented its midterm report (see S/2011/642) pursuant to resolution 1980 (2011) to the members of the Committee during the Committee's informal consultations. At the same meeting, Committee members also discussed the observations and recommendations contained in the report. During the consultations of the Security Council on 20 October 2011, the Chair briefed the members of the Council on the main findings contained in the report as well as the Committee's discussions of the Group's report and its recommendations.

23. Following up on the report's recommendations, the Committee dispatched, on 11 November 2011, letters to the Permanent Representatives to the United Nations of Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Liberia and Mali, drawing attention to relevant paragraphs contained in the Group's midterm report (see S/2011/642). Letters were also transmitted to the Special Representative of INTERPOL to the United Nations as well as to the Under-Secretary-General for Peacekeeping

Operations. Furthermore, on 17 November 2011, the Committee transmitted a note verbale to all Member States drawing their attention to relevant paragraphs contained in the Group's midterm report. Following the Committee's decision, the Chair personally conveyed signed letters to the Permanent Representatives to the United Nations of Burkina Faso, Ghana, Guinea, Liberia and Mali, drawing attention to the recommendation contained in paragraph 147 of the Group's midterm report (see S/2011/642).

24. Pursuant to paragraph 9 of resolution 1980 (2011), by which the Security Council decided that the exemption procedure set out in paragraph 8 (e) of resolution 1572 (2004) should apply only to arms and related materiel, vehicles, and the provision of technical training and assistance in support of the Ivorian process of security sector reform, pursuant to a formal request by the Government of Côte d'Ivoire and approved in advance by the Sanctions Committee, the Committee considered and approved a total of seven exemption requests from the Permanent Mission of Côte d'Ivoire to the United Nations for approval of the shipment of materiel and provision of military assistance to Côte d'Ivoire, namely, those circulated in the Committee on 5 July 2011, 5 August (two requests) and 16 August 2011, 9 September 2011, 29 November 2011 and 6 December 2011.

25. The Committee also considered and approved a request pursuant to paragraph 8 (b) of resolution 1572 (2004) concerning supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, which was submitted on 4 April 2011 by the Permanent Mission of Germany to the United Nations.

26. During the reporting period, the Committee considered a total of 10 monthly media and arms embargo monitoring reports prepared by UNOCI in accordance with paragraphs 2 and 9 of resolution 1584 (2005) and paragraph 6 of resolution 1572 (2004). The Committee also considered seven UNOCI human rights reports (six reports from 2011 and one from 2010) and a special human rights report in March 2011.

27. On 29 November 2011, in pursuance of paragraph 10 of resolution 1572 (2004), the Committee approved a request for exemption to the travel ban, submitted by the Permanent Missions to the United Nations of Côte d'Ivoire and the Netherlands, to authorize the transfer of listed individual Laurent Gbagbo to the International Criminal Court in The Hague.

IV. Violations and alleged violations of the sanctions regime

28. In its report of 17 March 2011 (S/2011/272) pursuant to resolution 1946 (2010), the Group of Experts on Côte d'Ivoire observed, inter alia, that in the early months of 2011 there were numerous violations of the arms embargo which benefited both sides in the conflict. The forces of former President Gbagbo appeared to have been supported by about 4,500 mercenaries, mainly from Liberia. The Group also observed several suspicious flights and sea cargoes in the south. In the north, the former Forces nouvelles received consistent transfers of weapons and ammunition in breach of the sanctions regime. In the area of finance, the Group observed that the financial measures had severely affected the former administration's capacity to pay the salaries of civil servants and the military. In the area of customs, the Group reported that during the post-electoral crisis, its experts

as well as the representatives of UNOCI had encountered restricted access to seaports, airports and the documentation related to imports and exports. In the area of diamonds, the Group observed that the production of rough diamonds was increasing and that diamonds had been illegally exported through neighbouring countries, in clear violation of the sanctions regime.

29. In its midterm report of 20 November 2011 (see S/2011/642) pursuant to resolution 1980 (2011), the Group of Experts observed that the end of the post-electoral crisis in Côte d'Ivoire was characterized by improved cooperation with the Group from the new administration. The Group also observed that the security situation in Côte d'Ivoire was still not stabilized, especially in the north, west and, to a certain extent, in the east of the country. New arms and ammunition deposits had been regularly discovered by the Forces republicaines de Côte d'Ivoire and UNOCI. The Group also noted with concern that the country was awash with weapons that remained unaccounted for; there were no effective disarmament, demobilization and reintegration programmes; mercenary activity still persisted on the border with Liberia; and high-level loyalists of former President Gbagbo remained at large. In the area of finance, the Group observed that three main factors had the potential to effectively contribute to improved compliance with the sanctions regime: (a) an improved and constant cooperation with the Group of Experts and an effective auditing of governmental agencies; (b) a successful redeployment of Ivorian officials through the Ivorian territory; and (c) an efficient programme to combat racketeering in the country, which was depriving the Government of a significant amount of revenue.

30. In the area of diamonds, the Group verified through various means, including aerial reconnaissance and ground inspections of various deposits in the north, that new diamond mining areas had emerged since the Group's previous visit in February 2011 and that some of these areas had begun operating at the height of the post-electoral crisis in Côte d'Ivoire. Diamonds mined from these and other deposits throughout the north continued to be exported through neighbouring countries in violation of the sanctions regime. In the area of customs, the Group reported that the country still suffered from weak or non-existent customs controls throughout Ivorian territory. Customs agents had not yet deployed in western Côte d'Ivoire because of security reasons, the border with Liberia was still not secured and, near the Ghanaian border, some pro-Gbagbo elements were still active and imposed taxes on locals.

V. Observations and conclusions

31. The primary responsibility for the implementation of the measures imposed by the Security Council rests with Member States. For its part, in facilitating and monitoring the implementation of the relevant measures, the Committee has greatly benefited from the information provided by the Group of Experts, UNOCI and other sources, which have proved to be a useful tool in deciding on appropriate actions. The Committee remains committed to discharging its mandate as effectively and as efficiently as possible.